

BY ECF

November 30, 2020

The Honorable Lorna G. Schofield
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: Tyler Erdman v. Adam Victor, et al. No. 20 Civ. 4162 (LGS)

Dear Judge Schofield:

I write in regard to the Court's November 4th order sealing Plaintiff's Amended complaint (ECF No. 18). Defendant Adam Victor ("Victor") wrote the Court on November 3rd asking for the sealing of ¶ 48 of the Amended complaint, citing a sealed order in *Khatskevich v. Victor, et al.*, Index No. 151658/2014 (Sup. Ct. N.Y. County).

Despite the Court's order that Victor file his sealing motion, almost four weeks have elapsed without it. Victor's counsel originally stated they would file by November 10th. When that didn't happen, Plaintiff made several inquiries and was told it would be filed shortly. More recently, my inquiries have simply been ignored.

The allegations made in ¶ 48 relate to Victor's claimed involvement with the CIA/FBI, and how he entangled Plaintiff and other employees with it. The quoted Victor Affidavit was filed in *Khatskevich v. Victor, et al.*, a suit that also involved allegations regarding Victor's workplace claims to work with the CIA/FBI. Victor had made two attempts to have those sealed, claiming that they put his life in danger. That Court did not find him credible and denied both. In 2016, a motion was made to unseal. It went unopposed by Victor, and was granted.¹

Since that motion was granted in 2017, the Victor Affidavit has undisputedly been in the public record. If Victor was worried about the confidentiality of the document he should have opposed the unsealing motion. Instead Victor claims the document was sealed in October and refuses to discuss it.

Now Victor seeks to retroactively apply sealing to an affidavit Plaintiff has had since 2017, using an order Plaintiff is not a party to and Victor refuses to discuss any reasons to the contrary. The affidavit Victor is trying to seal was the subject of an article in The Daily Beast on November 17, 2020. That article cites the very letter in which Victor seeks to seal his affidavit.² As the article notes, The Daily Beast has had possession of the affidavit since 2018. In 2015 the New York Post also published an article titled "Energy titan posed as CIA spy to pressure women into sex: suit", that detailed other allegations.³ The genie has long since been out of the bottle and there is no putting it back in.

¹ <https://bit.ly/MOLunseal>

² <https://bit.ly/VictorDB>

³ <https://nypost.com/2015/10/31/energy-titan-posed-as-cia-spy-to-pressure-women-into-sex-suit/>

Victor states in his Motion to dismiss that ¶ 48 is “included merely to sow distrust and discord between Victor and his neighbors.” If that was a true concern, Victor should not have involved his neighbors in his claimed activities. Just like if Victor didn’t want similar allegations public, he should have not bragged about them to impress women. Victor also should have not told those women that the FBI would be tracking them, or have used his relationship to threaten them.

In *Khatskevich v. Victor, et al.*, Victor claimed that he had no recollection of contacting ICE to try and deport Khatskevich as he threatened to. As it turns out that was a lie, not only did he contact ICE, he told them “Ms. Khatskevich has caused a serious breach on a national security concern...”⁴ The email went on to discuss Plaintiff, and repeats the false claims of theft Victor has been making for years that are at issue in this action. This was not the only instance in which Victor exploited the relationship he now claims is sensitive to his benefit.

Victor contacted reporters when news broke that the Director of the CIA, David Petraeus had an affair with an acquaintance of his. Victor made no effort to hide his desire to make friends at the CIA: “The only reason we talked to her was Gen. Petraeus -- 1,000%” In his trademarked fashion, Victor had to make it sexual: “She never came onto me sexually...But she is a very vivacious, pretty woman who is not shy and very confident in her femininity.”⁵

Even in a simple workday request for a recommendation, Victor managed to intertwine his “intelligence” relationship with his predatory behavior, when he tried to get one of his pilots into the Air Force.⁶ He told Plaintiff that she flew top secret prisoner flights with his aircraft, and that “She basically came and she said if I got her into the airforce, she would show me her tits.”

Accordingly, Victor should not be using the Court’s order to get the benefit of sealing without making a timely sealing application as required by the Court. Just because an allegation is about Victor’s claimed relationship with the Government, Victor should not be given a license to seal documents he already made public. The public has a presumptive right to access, there is significant public interest in this action, and there is no good reason to the contrary. Plaintiff respectfully requests that the Amended Complaint should be unsealed in its entirety.

Respectfully submitted,

/s/ Tyler Erdman

Tyler Erdman
Plaintiff Pro Se
20 Old Farm Road,
Weston, CT 06883
Tel: 917-301-0401
tyler@erdman.it

Copies To:

Jeffrey M. Eilender, Counsel for Adam Victor (by ECF)
David Wolf, Counsel for Manhattan Place Condominium (by ECF)

⁴ <https://bit.ly/VictorICE>

⁵ <https://bit.ly/AV-1000>

⁶ <https://bit.ly/ManchinAF>